1 2 3 4 5 6 7 8 9	Jayne W. Williams, Esq. (SBN:63203) jwilliams@meyersnave.com Deborah J. Fox, Esq. (SBN: 110929) dfox@meyersnave.com Philip A. Seymour (SBN: 116606) pseymour@meyersnave.com Kimberly M. Drake, Esq. (SBN: 209090) kdrake@meyersnave.com MEYERS, NAVE, RIBACK, SILVER & WILSO 555 12 th Street, Suite 1500 Oakland, California 94607 Telephone: (510) 808-2000 Facsimile: (510) 444-1108 Attorneys for Defendant CITY OF SAN LEANDRO	ON
10 11	UNITED STATES DIS	TRICT COURT
12	NORTHERN DISTRICT OF CALIFORNIA	
13	INTERNATIONAL CHURCH OF THE	Case No. C07-03605-PJH
14	FOURSQUARE GOSPEL,	
15	Plaintiff,	DEFENDANT CITY OF SAN LEANDRO'S REQUEST FOR
16	V.	JUDICIAL NOTICE IN SUPPORT
17		OF ITS MOTION FOR SUMMARY JUDGMENT OR IN THE
18	CITY OF SAN LEANDRO, a municipal corporation,	ALTERNATIVE SUMMARY
19	corporation,	ADJUDICATION OF CLAIMS
20	Defendant.	Hearing:
21		Date: October 1, 2008 Time: 9:00 a.m.
22		Courtroom: 3
23	FAITH FELLOWSHIP FOURSQUARE	Honorable Phyllis Hamilton
24	CHURCH,	Complaint Filed: 7/12/07
25	Real Party in Interest.	
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1	Defen	dant City of San Leandro ("the City") requests that this Court take judicial	
2	notice of certain exhibits submitted concurrently, pursuant to Federal Rules of Evidence,		
3	Rule 201. This request for judicial notice and the exhibits are submitted in support of the		
4	City's motion for summary judgment or in the alternative summary adjudication of		
5	claims.		
6	Judicial notice is requested of the following:		
7	Exhibit 1	Zoning Code, Article 1, Title, Components, and Purposes	
8	Exhibit 2	Zoning Code, Article 3, Definitions (excerpts)	
9	Exhibit 3	Zoning Code, Article 5, Residential Districts (excerpts)	
10	Exhibit 4	Zoning Code, Article 7, Industrial Districts	
11	Exhibit 6	Zoning Code, Article 22, Use Permits, Variances and Parking Exceptions	
12	Exhibit 7	General Plan and Land Use Element (excerpts)	
13	Exhibit 19	Ordinance No. 2007-005 An Ordinance Of The City of San Leandro	
14		Amending San Leandro Zoning Code: Part I, Article 3, Deleting Definitions	
15		For 'Clubs & Lodges' And 'Religious Assembly' And Adding A New	
16		Definition For 'Assembly Uses'; Part II, Article 5, Amending Sections 2-	
17		504, 2-506, 2-508 and 2-510 For Consistency With New Definitions; Part III,	
18		Amending Article 13; and Part IV, Article 17, Amending Section 4-1704,	
19		dated April 2, 2007	
20	Exhibit 20	Ordinance No. 2007-006 An Ordinance Of The City Of San Leandro Zoning	
21		Certain Properties Herein Described As To Zoning With An Assembly Use	
22		Overlay District And Amending Zoning Map For 196 Identified Properties,	
23		dated April 2, 2007	
24	Exhibit 32	Webster's New Universal Unabridged Dictionary (1992), definition of	
25		"assembly"	
26	Exhibit 33	Webster's New Universal Unabridged Dictionary (1992), definition of	
27		"institution"	
28	Exhibit 35	Transcript, City Council meeting, May 7, 2007	
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1	Exhibits 1-4, 6, 7, 19, 20 and 35 are official public records, consisting of the City's
2	Zoning Code, General Plan and City Ordinances. These referenced exhibits are within
3	the scope of judicially noticeable materials pursuant to Federal Rules of Evidence, Rule
4	201, providing that a Court may take judicial notice of undisputed matters of public
5	record including records and reports of administrative bodies; or legislative history of
6	laws, rules or ordinances. See Lee v. City of Los Angeles, 250 F.3d 668, 689 (9th Cir.
7	2001) citing Mack v. South Bay Beer Distributors, Inc., 798 F.2d 1279, 1283 (9th Cir.
8	1986); and Santa Monica Food Not Bombs v. City of Santa Monica, 450 F.3d 1022, 1025,
9	n.2 [judicial notice properly taken of city ordinances].
10	Exhibits 32 and 33 are within the scope of judicially noticeable materials pursuant
11	to the Federal Rules of Evidence, Rule 201, providing that a Court may take judicial
12	notice of the meaning of words or phrases (Wilshire Westwood Assocs. v. Atlantic
13	Richfield Corp., 881 F.2d 801, 803 (9th Cir. 1988)) and courts have recognized that
14	standard dictionaries are the usual source of reference for the meaning of English words.

In accordance with the cited statutory and case law, the City respectfully requests that the Court take judicial notice of Exhibits 1, 2, 3, 4, 6, 7, 19, 20, 32, 33 and 35, true and correct copies of which are submitted concurrently.

Comerica Bank v. Lexington Ins. Co., 3 F.3d 939, 944 (6th Cir. 1993).

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Dated: August 27, 2008 MEYERS, NAVE, RIBACK, SILVER & WILSON

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DEBORAH J. FOX Attorneys for Defendant CITY OF SAN LEANDRO

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